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SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARIA MATA,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.
dba SMITH'S FOOD & DRUG; DOES I
through XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive,

Defendants.

Case No. 2:23-cv-01788-JAD-EJY

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

SPECIAL SCHEDULING REVIEW

COMES NOW Defendant SMITH'S FOOD & DRUG CENTERS, INC., ("SMITH'S") by and through its counsel, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A. and Plaintiff MARIA MATA, by and through her counsel, JOSEPH C. CHU, ESQ. of LADAH LAW FIRM, and hereby submit this Stipulated Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference.

Counsel for the parties participated in a Rule 26 Discovery Conference on November 14, 2023. The conference was attended by Joseph C. Chu for Plaintiff and Jerry S. Busby for Defendant. At the conference, there were no discovery disputes at that time. The parties agree to exchange their disclosure statements in a timely manner. Counsel are requesting eight months to complete discovery and be prepared for trial. More specifically, counsel request 240 days from the date of removal to complete discovery. Counsel requests 60 additional days to complete discovery because plaintiff's undersigned counsel is serving as trial counsel in *Jehorek v. Phillips Crane Service, LLC, et al.*, Case No. A-19-792801-C, set for trial on a firm setting on February 7, 2024 in the Eighth Judicial District Court. That

trial is expected to span four to five weeks. Defendant's counsel has graciously agreed to extend the discovery period in the instant matter to accommodate plaintiff's counsel's aforesaid trial commitment.

Based upon the above, the parties request 8 months for discovery under the discovery schedule set forth below:

1. **Discovery Cut-Off Date:** The parties are requesting 240 days for discovery from November 2, 2023, the date of removal. Thus, the parties request a discovery cut-off date of July 1, 2024 – 240 days after removal.

2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to amend the pleadings or to add parties be filed no later than April 2, 2024 – 90 days prior to the ~~proposed~~ close of discovery.

3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of experts be made on or before May 2, 2024 – 60 days before the ~~proposed~~ discovery cut-off date. Disclosure of rebuttal experts shall be made by June 3, 2024 – 32 days after the initial disclosure of experts.

4. **Interim Status Report:** Under recent changes in the rules, the parties will not file an interim status report previously required by LR 26-3.

5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than July 31, 2024 – 30 days after the ~~proposed~~ discovery cut-off date. In the event that the discovery period is extended from the discovery cut-off date set forth in this ~~proposed~~ Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later than 30 days from the subsequent discovery cut-off date.

6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than August 30, 2024 – 30 days after the cut-off date for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

1 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
2 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

3 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
4 conferred about the possibility of using alternative dispute resolution including mediation, arbitration
5 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be
6 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery
7 before attempting to resolve this case. Counsel further agree that a settlement conference or private
8 mediation will be beneficial after discovery is concluded. Finally, the parties and their counsel are
9 not interested in submitting this case to arbitration, at this time.

10 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed
11 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ.
12 P. 73 and at present do not consent to either alternative form of case disposition.

13 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use
14 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
15 format compatible with the Court's electronic jury evidence display system. At present, the parties
16 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
17 again in the Pre Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 4th day of December, 2023.

LADAH LAW FIRM

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ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: December 4, 2023